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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/074,484

**Applicant(s)**

ANDERSEN ET AL.

**Examiner**

SON P. HUYNH

**Art Unit**

2424

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1.4.6-12,14,16,17,20,22-26 and 28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1.4.6-12,14,16,17,20,22-26 and 28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/8/2008 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to amended claims 1, 4, 6-12, 14, 16-17, 20, 22-26, and 28 have been considered but are moot in view of the new ground(s) of rejection.

With respect to applicant's argument regarding rejection of claims 26, 28 under 101 (page 8), the Examiner respectfully disagrees.

M.P.E.P 2106.01 states "a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data

structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.

Similarly, computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. See Lowry, 32 F.3d at 1583-84, 32 USPQ2d at 1035".

Claims 26 and 28 recite "computer readable storage medium comprising data that when accessed by ..." do not necessarily define structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus not statutory. For example, a CD or floppy disk having computer readable executable instructions/software code, however, when the CD or floppy disk is not implemented and/or not being executed by the a computer/processor, functionality of computer program/data structure in the floppy disk/CD is not realized.

Therefore, rejections of claims 26 and 28 under 101 are sustained.

Applicant further argues Stautner does not disclose the “associating a predefined unique symbol with a type of the supplementary content to indicate a one-screen interactivity mode to display first interactive content and the television program on a first screen, or to indicate a two-screen interactivity mode to display, on a second screen, second interactive content synchronized to the television program on the first screen, or to indicate a two-screen static web mode to display, on the second screen, static content related but not synchronized to the television program on the first screen” (pages 10-12). This argument is respectfully traversed.

the limitation in the claim is referred to as an alternative by using the term “or”. Stautner discloses associating a predefined unique symbol with a type of the supplemental content (e.g. unique symbol 30 for chat session) - see include, but are not limited to, figures 2-3. Stautner further discloses selecting an individual icon on the screen can also provide an automatically dial out...This includes the display (using for example either an embedded browser or an automatically launched separate browser application (col. 5, lines 25-50). or selecting chat icon/chat session cell to activate a specified chat session and this chat session can be tied directly to a movie cell. The chat session is displayed as chat screen which is interactive and the video is displayed in video window (see include, but are not limited to, col. 7, lines 35-50, figures 2-5). Thus, the symbol icon for chat or chat session cell indicates a one-screen interactivity mode to display first interactive content and the television program on a first screen

(interactive content in chat session and video are display on one screen of television display).

In addition, the term "unique symbol" as claimed, does not functionally change Stautner's system over how it operates with respect to the disclosed graphics/unique symbol display with program guide, and, thus, constitutes non-functional descriptive material. Non functional descriptive material cannot render patentable an otherwise unpatentable product or process. In re Ngai, 367 F.3d 1336, 1339 (Fed. Cir. 2004); *Exparte Curry*, 84 USPQ2d 1272, 1275 (BPAI 2005) (Informative Opinion) (Affirmed, Rule 36, Fed. Cir., slip op. 06-1003, June 2006) ("Common situations involving non-functional descriptive material [include] .... a computer that differs from the prior art solely with respect to nonfunctional descriptive material that cannot alter how the machine functions (i.e., the descriptive material does not reconfigure the computer).. .").

For the reason given above, rejections on claims 1, 4, 6-12, 14, 16-17, 20, 22-26, and 28 are discussed below.

Claim 2-3, 5,13, 15, 18-19, 21,27 have been cancelled.

***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1, 4, 6-12, 14, 16-17, 20, 22-23, 26 and 28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 26 and 28 recite "computer readable storage medium comprising data that when accessed by ..." do not necessarily define structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus not statutory. For example, a CD or floppy disk having computer readable executable instructions/software code, however, when the CD or floppy disk is not implemented and/or not being executed by the a computer/processor, functionality of computer program/data structure in the floppy disk/CD is not realized.

Claims 1, 4, 6-12, 14, 16-17, 20, and 22-23 are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to particular machine, or (2) transform underlying subject matter (such as an article or material) to a different state or thing. See page 10 of In Re Bilski 88 USPQ2d 1385. The instant claims are neither positively tied to a particular machine that accomplishes the claimed method steps nor transform underlying subject matter, and therefore do not qualify as a statutory process. The claimed method comprising receiving..., is broad enough that the claim could be completely performed mentally,

verbally or without a machine nor is any transformation apparent.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 4, 6-7, 17, 20, 22-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Stautner et al. (US 6,172,677)- hereinafter Stautner.

Regarding claim 1, Stautner discloses a method comprising providing a television program schedule includes a listing for a program (e.g. Talk show: politics or Clear and Present Danger) that has supplemental content (e.g. chat content, or Pizza Hut order, or additional digital content, etc. – see include, but are not limited to, figures 2, 4 and col. 2, line 64-col. 3, line 9; col. 3, lines 40-67). Thus, a program schedule that includes a listing for a program (e.g. program schedule that includes listing for Talk Show, Clear and Present Danger, etc. –figure 2) that has supplementary content (chat content, merchandise content, or additional digital content, etc.) must be created so that a supplemental content (e.g. chat session, Pizza Hut order information, etc.) is displayed with “Talk Show: Politics”, “Clear and Present Danger” on the program guide.



Stautner further discloses the “supplemental content provided as an enhancement transmitted in association with the television program” (interpreted as additional digital information, web address, or advertising information is provided in VBI signal or provided as a portion of the television program or it is interpreted as when a television program is displayed on television window 100, the viewer selects chat session which is tied to the television program displayed on the television window, the chat content is transmitted and displayed in association with the television program displayed in television window – see include, but are not limited to, col. 1, lines 55-61, col. 2, line 49-63, col. 3, lines 50-65, col. 4, lines 21-28, col. 5, lines 15-67, col. 7, lines 35-55).

Stautner further discloses embedded/associated a symbol such as circle 30 for chat session, rectangular 40 for Pizza Hut order information, square 80 for sport Stat, etc. (see include, but are not limited to, figures 2-5, col. 3, lines 53-67, col. 5, lines 15-50) reads on the claimed feature “associating a predetermined unique symbol with a type of the supplementary content;

Stautner further discloses the unique system indicate a one-screen interactivity mode to display first interactive content and the television program on a first screen, or to indicate a two-screen interactivity mode to display, on a second screen, second interactive content synchronized to the television program on the first screen, or to indicate a two-screen static web mode to display, on the second screen, static content related but not synchronized to the television program on the first screen” is read, for example, chat icon/chat session cell indicates a when it is selected, interactive content

display in chat session and video displayed on video window on a display screen (see include, but are not limited to, col. 5, lines 25-30, col. 7, lines 35-50, figures 2-5 and discussion in "response to arguments" section above).

Stautner also discloses providing the symbol in association with the listing in the program schedule such as circle symbol 30 with Talk show in program schedule, rectangular symbol 40 with "Clear and Present Danger" in program schedule, etc. – see include, but are not limited to, figures 2, 4) reads on the claimed feature "providing a predetermined unique symbol in association with the listing in the program schedule.

In addition, as discussed in "Response to Arguments" section above, the term "unique symbol" as claimed, does not functionally change Stautner's system over how it operates with respect to the disclosed graphics/unique symbol display with program guide, and, thus, constitutes non-functional descriptive material. Non functional descriptive material cannot render patentable an otherwise unpatentable product or process. In re Ngai, 367 F.3d 1336, 1339 (Fed. Cir. 2004); *Exparte Curry*, 84 USPQ2d 1272, 1275 (BPAI 2005) (Informative Opinion) (Affirmed, Rule 36, Fed. Cir., slip op. 06-1003, June 2006) ("Common situations involving non-functional descriptive material [include] .... a computer that differs from the prior art solely with respect to nonfunctional descriptive material that cannot alter how the machine functions (i.e., the descriptive material does not reconfigure the computer)..  
. :").

Regarding claim 4, Stautner discloses a method as discussed in the rejection of claim 1. Stautner further discloses the predetermined unique symbol is a text string (e.g. text string AOL – figures 4-5).

Regarding claim 6, Stautner discloses a method as discussed in the rejection of claim 1. Stautner further discloses the predefined unique symbol is a graphic symbol (e.g., the circle symbol 30, rectangular symbol 40, star symbol 60, etc. – figures 2, 4-5).

Regarding claim 7, Stautner discloses a method as discussed in the rejection of claim 1. Stautner further discloses the predetermined unique symbol is an image (met by the rectangular image, circle image, star image, etc. – figures 2-5).

Regarding claim 17, Stautner discloses a method comprising:

distributing a television program to an audience, wherein the program has supplemental content (interpreted as distributing a television program such as Talk Show: Politics, ABC evening news, etc. to the user, the program has chat content, merchandise information, sport statistic information, etc. – see figures 2-5, col. 5, lines 36-50; col. 6, lines 25-60);

Stautner further discloses the “supplemental content provided as an enhancement transmitted in association with the television program” (interpreted as additional digital information, web address, or advertising information is provided in VBI signal or provided as a portion of the television program or it is interpreted as when a

television program is displayed on television window 100, the viewer selects chat session which is tied to the television program displayed on the television window, the chat content is transmitted and displayed in association with the television program displayed in television window – see include, but are not limited to, col. 1, lines 55-61, col. 2, line 49-63, col. 3, lines 50-65, col. 4, lines 21-28, col. 5, lines 15-67, col. 7, lines 35-55).

distributing the supplemental content to the audience (interpreted as distributing chat content, merchandise content, sports statistic content, etc. to the user, wherein the type of the supplemental content such as chat is associated with circle symbol, merchandise is associated with rectangular symbol, sport statistics is associated with a square symbol, etc. – see figures 2-5, col. 5, lines 15-35; col. 6, lines 35-60);

the limitations of "unique symbol..." that correspond to the limitation of claim 1 are analyzed as discussed in the rejection of claim 1.

Stautner further discloses providing listing information for the program (interpreted as providing listing information such as title, time, etc. for the program – figure 2).

In addition, as discussed in "Response to Arguments" section above, the term "unique symbol" as claimed, does not functionally change Stautner's system over how it operates with respect to the disclosed graphics/unique symbol display with program guide, and, thus, constitutes non-functional descriptive material. Non functional descriptive material cannot render patentable an otherwise unpatentable product or process. In re Ngai, 367 F.3d 1336, 1339 (Fed. Cir. 2004); Exparte Curry, 84 USPQ2d

1272, 1275 (BPAI 2005) (Informative Opinion) (Affirmed, Rule 36, Fed. Cir., slip op. 06-1003, June 2006) ("Common situations involving non-functional descriptive material [include] .... a computer that differs from the prior art solely with respect to nonfunctional descriptive material that cannot alter how the machine functions (i.e., the descriptive material does not reconfigure the computer)..  
..").

Regarding claims 20, 22-23, the additional limitations of the method as claimed correspond to the additional limitations of claims 4, 6-7 respectively, and are analyzed as discussed with respect to the rejections of claims 4, 6-7.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 8-12, 14, 16 and 24-26, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stautner (US 6,172,677) and in view of Boyer et al. (US 6,268,849 – hereinafter Boyer).

Regarding claim 8, Stautner discloses a method as discussed in the rejection of claim 1. Stautner further discloses information is extracted from a received signal (col. 3, line 59-col. 4, line 29). However, Stautner does not specifically disclose distributing the program schedule.

Boyer discloses distributing a program schedule (distributing the television program listings with embedded real-time data to the user's multimedia system in the form of web pages-see include, but are not limited to, col. 2, lines 49-65, col. 5, lines 1-12, col. 6, lines 1-3, col. 9, lines 5-20, figures 1, 9). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stautner to use the teaching of distributing program schedule as taught by Boyer in order to minimize memory space required to process the program schedule at the receiver, or in order to allow user to access the program schedule at remote locations (col. 2, lines 49-65).

Regarding claim 9, Stautner in view of Boyer teaches a method as discussed in the rejection of claim 8. Stautner also discloses the teaching of various text-based system for providing information on television shows, information found in a local newspaper, etc. in the Related Art (col. 1, lines 15-28). Stautner further discloses a program schedule with unique symbol. However, Stautner does not specifically disclose printing the program schedule includes symbol in the program schedule in the publication. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stautner in view of Boyer to use the teaching of printing the program

schedule with symbol (program schedule described in Stautner) in the publication (e.g. local newspapers, patent publication, etc.) in order to expand distribution of program schedule includes symbol to users in different ways (e.g. to include publication readers), thereby helping the readers to make decision more accurate based on information about supplemental content associated with the program listing provided.

Regarding claim 10, Stautner in view of Boyer teaches a method as discussed in the rejection of claim 8. Stautner already discloses program schedule includes predetermined unique symbol as discussed in the rejection of claim 1 (also see figures 2-5). Stautner does not specifically disclose transmitting the program schedule (program schedule include symbol).

Boyer discloses transmitting the program information listing with embedded real time data to the user's multimedia system in the forms of web pages (see including, but is not limited to, col. 2, lines 49-65, col. 9, lines 5-20) reads on the transmitting program schedule. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stautner to use the teaching of distributing program schedule as taught by Boyer in order to minimize memory space required to process the program schedule at the receiver, or in order to allow user to access the program schedule at remote locations (col. 2, lines 49-65).

Regarding claim 11, Stautner in view of Boyer discloses a method as discussed in the rejection of claim 10. Stautner further discloses the icons (symbols) may be animated

and have three dimension looks or arrangement to them (col. 7, lines 14-15). The icons are placed in the program schedule by the content provider which presents prompts to a user for action, the information is extracted from the received signal (col. 3, lines 40-65; col. 4, lines 15-60). Inherently, the data (e.g. icon, information) is transmitted which when accessed by a machine (e.g. processor using software) causes the machine to display an animated version of the predetermined unique symbol so that the icons are animated.

Regarding claim 12, Stautner in view of Boyer discloses a method as discussed in the rejection of claim 8. Stautner discloses providing a unique symbol in association with the listing in the program schedule (e.g. circle symbol 30 in association with Talk Show: Politics – figures 2-5). However, Stautner does not specifically disclose making the program schedule available on the World Wide Web.

Boyer further discloses making the program schedule available on the World Wide Web; and providing embedded real time data (e.g. real time data 650) association with the listing in the program schedule on the World Wide Web (col. 2, lines 49-65, col. 5, lines 45-67, col. 9, lines 5-19, figure 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stautner to use the teaching of making the program schedule available on the World Wide Web (web page) in order to allow user to access the program information listings and embedded real time at remote locations (col. 2, lines 55-66) thereby improve convenience for user.



Regarding claim 14, Stautner discloses a method comprising:

the program schedule comprising:

a listing for a television program that has supplemental content (e.g. listing for a program that has supplemental content such as chat session, pizza Hut, et. – figures 2-5);

Stautner further discloses the “supplemental content provided as an enhancement transmitted in association with the television program” (interpreted as additional digital information, web address, or advertising information is provided in VBI signal or provided as a portion of the television program or it is interpreted as when a television program is displayed on television window 100, the viewer selects chat session which is tied to the television program displayed on the television window, the chat content is transmitted and displayed in association with the television program displayed in television window – see include, but are not limited to, col. 1, lines 55-61, col. 2, line 49-63, col. 3, lines 50-65, col. 4, lines 21-28, col. 5, lines 15-67, col. 7, lines 35-55); and

a predefined unique symbol in association with the listing, wherein the predefined unique symbol is associated with a type of the supplementary content (interpreted as a circle symbol 30, rectangular symbol 40, star symbol 60, etc. associated with Talk Show, Clear and Present Danger, Inside the NFL, etc., wherein the symbol 30, 40, 60, ... is associated with type of supplemental content such as chat session, advertisement information, sponsor, Sport statistics, etc. – figures 2-5, col. 4, lines 1-10, col. 6, lines 8-60); and

Stautner also discloses displaying the program schedule with the icons on a display screen (figures 2-5, col. 4, lines 30-40, col. 6, lines 7-60). Inherently, the program schedule must be sent to a display before it display on the display screen.

For limitations "to indicate...the first screen" that correspond to the limitations in claim 1 are analyzed as discussed in the rejection of claim 1.

Stautner also discloses receiving information in the received signal (col. 3, lines 50-67). However, Stautner does not specifically disclose receiving a program schedule.

Boyer discloses receiving a program schedule (receiving program information listings and embedded real time in the form of web pages-see include, but are not limited to, col. 2, lines 49-65, col. 5, lines 1-12, col. 6, lines 1-3, col. 9, lines 5-20, figures 1, 9). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stautner to use the teaching of receiving program schedule as taught by Boyer in order to minimize memory space required to process the program schedule at the receiver; or in order to allow user to access the program schedule at remote locations (col. 2, lines 49-65).

In addition, as discussed in "Response to Arguments" section above, the term "unique symbol" as claimed, does not functionally change Stautner's system over how it operates with respect to the disclosed graphics/unique symbol display with program guide, and, thus, constitutes non-functional descriptive material. Non functional descriptive material cannot render patentable an otherwise unpatentable product or process. In re Ngai, 367 F.3d 1336, 1339 (Fed. Cir. 2004); Exparte Curry, 84 USPQ2d

1272, 1275 (BPAI 2005) (Informative Opinion) (Affirmed, Rule 36, Fed. Cir., slip op. 06-1003, June 2006) ("Common situations involving non-functional descriptive material [include] .... a computer that differs from the prior art solely with respect to nonfunctional descriptive material that cannot alter how the machine functions (i.e., the descriptive material does not reconfigure the computer)..  
. .").

Regarding claim 16, Stautner in view of Boyer discloses a method as discussed in the rejection of claim 14. Stautner further discloses the icons and other data is received (col. 3, lines 45-65, col. 5, lines 16-19; col. 6, line 62-13). Further the icons may be animated and have three dimensional looks or arrangement to them (col. 6, line 62-col. 7, line 15). Thus, an animated version of the predetermined unique symbol (embedded icons) is inherently received and sent to the display so that the animated icons are displayed on the screen.

Regarding claim 24, the limitations of the apparatus as claimed correspond to the limitations of the method as claimed in claim 14, and are analyzed as discussed with respect to the rejection of claim 14, Stautner further discloses a display component (e.g. large screen monitor or monitors with all sizes) is coupled to the receiver (e.g., computer system) to program schedule and the symbols are displayed on the monitors (see col. 1, lines 36-col. 2, lines 23). Furthermore, Boyer also discloses user multimedia receiver (e.g. PCTV, desktop computer, etc.) receive program schedule webpage and

provides the program schedule webpage to the monitor for display (see figures 1, 9, col. 5, lines 31-44; col. 9, lines 5-20).

In addition, as discussed in "Response to Arguments" section above, the term "unique symbol" as claimed, does not functionally change Stautner's system over how it operates with respect to the disclosed graphics/unique symbol display with program guide, and, thus, constitutes non-functional descriptive material. Non functional descriptive material cannot render patentable an otherwise unpatentable product or process. In re Ngai, 367 F.3d 1336, 1339 (Fed. Cir. 2004); *Exparte Curry*, 84 USPQ2d 1272, 1275 (BPAI 2005) (Informative Opinion) (Affirmed, Rule 36, Fed. Cir., slip op. 06-1003, June 2006) ("Common situations involving non-functional descriptive material [include] .... a computer that differs from the prior art solely with respect to nonfunctional descriptive material that cannot alter how the machine functions (i.e., the descriptive material does not reconfigure the computer)..  
..").

Regarding claim 25, Stautner in view of Boyer discloses a method as discussed in the rejection of claim 24. Stautner further discloses an input device to receive a signal corresponding to selection of the predetermined unique symbol on the display device by a user (interpreted as a receiver in the computer system for receiving signal in response to user selection of an icon (for example, IR/RF/or electrical signal receiver at computer system for receiving IR/RF/or electrical signal from user mote control, keyboard or any

user input device in response to user selection of an icon on the screen (e.g. circle icon); and

a content delivery component to provide the supplementary content in response to the signal (e.g. component to provide chat content, merchandise information, etc.) to the display for display on the screen in response selection signal (see including, but is not limited to, col. 6, lines 25-67, figures 2-3).

Regarding claims 26 and 28, the limitations as claimed are directed toward embodying the method of claims 14, 16 in "tangible machine accessible medium". Stautner and Boyer also discloses procedures of the method are performed using a software application executed by the computer (see Stautner- col. 3, line 40-col. 4, line 31, col. 5, lines 15-35, col. 6, lines 25-60; or see Boyer col. 6, lines 1-21. It would have been obvious to embody the procedures of Stautner in view of Boyer discussed with respect to claims 14-16 in a "machine accessible medium" in order that the instructions could be automatically performed by a processor/computer.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Houghton et al. (US 6,757,707 B1) discloses displayed complementary content sources in a web-based TV system (see figures 11, 15, 17).

Sai et al. (US 6,822,661 B2) discloses information-display control apparatus and method.

Okura et al. (US 6,487,722 B1) discloses displaying unique symbol for additional information on screen guide (figure 6).

Lawler et al. (US 6,868,551 B1) discloses displaying different unique symbol for different type of information (figure 6).

Farwell (US 5,650,831) discloses unique symbol including PIP symbol (figure 13).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SON P. HUYNH whose telephone number is (571)272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Son P Huynh/  
Primary Examiner, Art Unit 2424

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